



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
L-1

For the meeting of April 28, 2015

Date: April 15, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *KRH*

Subject: **Black Dog Partnership and Arcata-Mad River Ambulance Inc.**
 General Plan Amendment and Zone Reclassification Petition
 Application Number 9592
 Case Numbers GPP-15-001, ZRP-15-001
 Assessor Parcel Numbers 510-081-001, 510-081-002 and 510-081-013
 1654 Murray Road and 2707 and 2725 Central Avenue, McKinleyville

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment.
2. Accept the petition by approving the attached resolution (Attachment 1) based on the findings in the staff report and testimony received about the project.
3. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office and any other interested party.

Prepared by *Michelle Nielsen*
Michelle Nielsen, Planner

CAO Approval *Amy Nielsen*

REVIEW:
 Auditor _____ County Counsel *JH* Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:
 Board Order No. _____
 Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bohn*
 Seconded by Supervisor *Sundberg*
 Ayes *Sundberg, Lovelace, Fennell, Bohn, Bass*
 Nays _____
 Abstain _____
 Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *April 28, 2015*

By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

Applicant is responsible for all costs associated with processing of the project and fees are deposited into Current Planning Revenue Account (1100-277-608000).

DISCUSSION:

Petition

The Humboldt County Planning and Building Department, Planning Division received a petition requesting that the Board accept for processing an applicant-initiated General Plan Amendment and Zone Reclassification (Attachment 2). The petition seeks to move the boundary separating the land use designations of the Commercial Services (CS) and Residential Low Density (RL) land use designations as mapped by the McKinleyville Community Plan (MCCP) approximately 190 feet east of the current location on APNs 510-081-001 and 510-081-002. APNs 510-081-001 and 510-081-002 altogether total approximately 6.95 acres, and both are owned by Black Dog Partnership. Under the existing land use and zoning 1.47 acres is planned Commercial Services (CS) and zoned Community Commercial (C-2) and the remaining 5.48 acres is planned and zoned Residential Low Density (RL) and Residential One-Family (R-1), respectively. The changes sought by the applicant will increase the portion of land planned and zoned for commercial to approximately 2.19 acres, with a corresponding decrease of land planned and zoned for residential purposes to approximately 4.76 acres. This will facilitate the relocation of the applicant's existing retail infrastructure from the current location to the new location.

For APN 510-081-013 the petition seeks to change the current RL designation to CS for the entirety of the parcel, which is approximately 0.41 acres in size. For this parcel the proposed Amendment will facilitate a Zone Reclassification from Residential Single Family (R-1) to the Community Commercial (C-2) zoning district that would reflect the current use as an ambulance substation, which is an essential community service.

Summary

Project Location: in the McKinleyville area, on south side of Murray Road and the east side of Central Avenue, approximately 350 feet east and 500 feet south respectively from the intersection of Murray Road and Central Avenue, on the property known as 1654 Murray Road and 2707 and 2725 Central Avenue.

Basis of Petition: The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

The applicants believe that an argument exists to support approval of the petition. APNs 510-081-001 and 510-081-002 are the site of the new location of McKinleyville Ace Home and Garden, an existing business that is relocating from its current location at the intersection of Central Avenue and Pickett Road, about two miles south of the new location. The McKinleyville Ace Home and Garden is a multi-faceted retail outlet engaged in selling product that by its nature occupies a large amount of retail space, i.e., unfinished lumber, nursery stock, landscaping materials and supplies, etc. At the new location, the commercial and retail development is being built on the westerly portion of the property that is planned and zoned for commercial development. The eastern portion of the property will remain undeveloped, except for an existing pond that will also serve as a retention basis for the stormwater runoff associated with the improvements being constructed and a barn. Even though the new store and associated parking will occupy the entire portion of the property planned and zoned for commercial uses, the applicant is unable to relocate the entirety of his business assets, infrastructure, product, and services to the new location because of the size of the commercially

planned and zoned portion of the parcel. This presents a difficult choice for the owner of either operating two retail locations where currently everything is in a single location, or scaling back the scope of the business to fit the new site. Another consideration is the inability to develop additional on-site parking as such uses are not permitted to extend into the residential planned and zoned portion, which restricts the ability to increase the number of employees, even on a seasonal basis. There is a limited inventory of land available that is appropriately planned and zoned that also meets the size, configuration, and access criteria that make it suitable for developing a retail establishment of this scale. Staff believes this shows that the proposed change will maintain the established uses on the property otherwise consistent with a comprehensive view of the plan.

As for APN 510-081-013, this is the location of Arcata-Mad River Ambulance's McKinleyville substation, which provides living quarters for on-duty employees. As this parcel is planned and zoned for residential purposes, this use was authorized by a Conditional Use Permit approved by the Planning Commission in October 1992. As this an established commercial use, and there are other parcels of land with established commercial uses located approximately 80 feet west of the Arcata-Mad River Ambulance's substation, again demonstrating the proposed change will maintain the established uses on the property otherwise consistent with a comprehensive view of the plan.

Staff believes that the findings can be made on the basis of the submitted evidence.

Issues

Should the General Plan and Zone Reclassification Petition be accepted, several issues will be more thoroughly analyzed during the General Plan Amendment and Zone Reclassification application review process. Some of these issues include impacts to on-site wetlands located on APNs 510-081-001 and 510-081-002, drainage, the availability and suitability of existing lands planned and zoned for commercial development, and the compatibility of the proposed use with the surrounding neighborhood. One other consideration is APN 510-081-007 a single parcel developed with a residence that lies between the ambulance substation parcel seeking the plan and zone change and the existing CS plan and C-2 zone boundary to the west. The analysis will consider whether this property should also be changed to match the proposed plan and zoning amendment such that it would not become an "island" of residential zoning. Further analysis of these issues as well as others as they arise will be reviewed as part of the General Plan Amendment process. Environmental review pursuant to the California Environmental Quality Act (CEQA) will also be conducted.

Required Findings

Review Criteria

Pursuant to Section 1452 of the Framework Plan, Volume I, Plan Amendments may only be initiated by the Board of Supervisors based on a recommendation by Resolution of the Planning Commission or requested by members of the public. Section 1452.2 of the Framework Plan establishes findings that must be made, any **one** of which shall be grounds for considering a plan amendment. Specifically, the findings are:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

As discussed in the Alternatives section below, even if the Board cannot make one of the four findings specified in Section 1452.2, the Board has the discretion to accept the request if it

determines that the Petition is in the public interest. Amendments accepted for consideration are processed as staff resources permit consistent with the Planning Division's budget allocation and work program.

The decision to be made at this time is whether or not the Board will accept the proposed Amendment for processing, review and consideration. If accepted for review and consideration, final approval of the proposed Amendment will be dependent upon additional data that shows the request is both "in the public interest" and "consistent with a comprehensive view of the General Plan."

Staff Recommendation

Planning Division staff believes that the applicants have provided sufficient information in their petition that a finding may be made that the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan. Board acceptance of the petition would allow for the necessary in-depth staff analysis of project impacts. As noted above, accepting the petition is only the first step in processing, reviewing and considering this request. Should the Board find "the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan," staff recommends the Board accept the petition by adopting the attached resolution and directing Planning Division staff to process the application with land use designations and zones as proposed therein.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application. This payment is typical for all individually-initiated plan amendment and zone reclassification applications.

OTHER AGENCY INVOLVEMENT:

The project was referred to Public Works, McKinleyville Community Services District, and the McKinleyville Municipal Advisory Committee. All of these agencies recommended approval of the petitions. Should the petition be accepted, the California Environmental Quality Act dictates that responsible and trustee state and local agencies also will be involved in the referral process of the Amendment, including Native American Consultation pursuant to SB 18, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could find that not one of the grounds for considering a plan amendment can be made and reject the petition. Alternatively, if the Board cannot make one of the four findings specified in Section 1452.2, but can determine that the Petition is in the public interest, the Board may direct staff to bring back a resolution reflecting these public interest findings as articulated by the Board. That in making such a determination the Board should consider the criteria listed in Board Order No. 17 (Attachment 4).

ATTACHMENTS:

- Attachment 1: Resolution No. 15-48
- Attachment 2: Copy of Petition for General Plan Amendment: Request dated Received January 29, 2015 and March 24, 2015
- Attachment 3: Maps: Location Map/Assessor Parcel Map/Zoning Map/Existing and Proposed Land Use Designations/Zoning Classifications
- Attachment 4: Board Order No. 17

SUPPLEMENTAL INFORMATION #1

For Board of Supervisors Agenda of: April 28, 2015

- Consent Agenda Item }
- Continued Hearing }
- Public Hearing Item }
- Department Report }
- Old Business }

Re: **Black Dog Partnership and Arcata-Mad River Ambulance Inc.**
General Plan Amendment and Zone Reclassification Petition
Application Number 9592
Case Numbers GPP-15-001, ZRP-15-001
Assessor Parcel Numbers 510-081-001, 510-081-002 and 510-081-013

Attached for the Board's record and review is (are) the following supplementary information item(s):

1. Index to the street views slides of the power point presentation.



Attachment 1

Resolution No. 15-48

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 28, 2015

RESOLUTION NO. 15-48

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT APPROVING THE PLAN AMENDMENT AND ZONE RECLASSIFICATION APPLICATION FOR FILE APNS 510-081-001, 510-081-002, AND 510-081-013; CASE NUMBER GPP-15-001/ZRP-15-001

WHEREAS, Section 65358 of the State Government Code allows the Board of Supervisors to amend the General Plan up to four times in any calendar year; and

WHEREAS, Section 1452.2 of the Humboldt County Framework Plan establishes that, if any one of the following findings are made, a requested plan amendment "shall be considered" by the Board of Supervisors:

1. Base information or physical conditions have changed; or
2. Community values and assumptions have changed; or
3. There is an error in the plan; or
4. The amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

WHEREAS, the property owners have submitted an application requesting a plan amendment and zone reclassification for property as identified in Project File Number APNs 510-081-001, 510-081-002, and 510-081-013; Case No. GPP-15-001 /ZR-15-001; and

WHEREAS, Planning and Building Department, Planning Division, staff has evidence within planning files in support of finding that the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that the following findings are hereby made:

1. There is factual evidence in support of the proposed application: the amendment is necessary to maintain established uses otherwise consistent with a comprehensive view of the plan;

BE IT FURTHER RESOLVED that based on the above findings, the findings in the staff report, evidence in the file for the project, and public testimony received on the project, the Board of Supervisors accepts the Black Dog Partnership and Arcata-Mad River Ambulance, Inc., General Plan and Zone Reclassification Petition, File Number APN 510-081-001, 510-081-002, and 510-081-0131; Case No. GPP-15-001 /ZR-15-001; and

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to provide notice of this decision to all interested parties.

Dated: April 28, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 28, 2015

RESOLUTION NO. 15-48

Adopted on motion by Supervisor Bohn, seconded by Supervisor Sundberg, and the following vote:

AYES: Supervisors Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Attachment 2

Petition for General Plan Amendment/Zone Reclassification

APPLICATION FORM

Humboldt County Planning and Building Department

Planning Division ♦ 3015 H Street ♦ Eureka, CA 95501-4484 ♦ ph (707) 445-7541 ♦ fax
(707) 268-3792

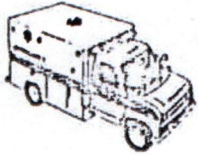
Kevin R. Hamblin ♦ Director

SITE ADDRESS 2707, 2725 CENTRAL AVE. ACCESSOR'S PARCEL NO 510-081-001, 002

SECTION II

PROJECT DESCRIPTION

The proposed project is to move the existing C-2 zoning line 190' to the east (see proposed map). This is being requested to provide area for existing retail infrastructure at our current location to be moved to the new location. This will allow for McKinleyville Ace Home & Garden Center to better serve the needs of the community by having all of our services at one location. There is also the need to provide additional parking for our employees as on street parking is not available at the new location. This proposed adjustment of the zoning line is within keeping with the existing surrounding commercial uses and zones.



ARCATA-MAD RIVER AMBULANCE, INC.

220 F Street • P.O. Box 4948 • Arcata, CA 95521
Business: (707)822-3353 • 24 Hour Dispatch: (707)822-4166
FAX: (707) 822-9628 • e-mail: amra@norcalsafety.com

March 24, 2015

Michelle Nielsen, Planner
Humboldt County Planning & Building Dept.
3015 H Street
Eureka, CA 95501

RE: Request for Petition for Zone Reclassification AP#510-081-013

Pursuant to Humboldt County Code Section 312-50.1, this application requests a general plan amendment and zone reclassification from the existing residential single family (R-1) to Commercial General (C-2). This parcel is approximately 0.4 acres in size and located directly north of the new McKinleyville Ace hardware development.

This parcel is currently being used for a commercial purpose under a conditional use permit. The proposed amendment will provide the opportunity for additional and continued use of the property and allow for a contiguous commercial zone extending north from the property adjacent to the hardware store development to Murray Rd.

No new development is proposed on the parcel at this time.

Sincerely,

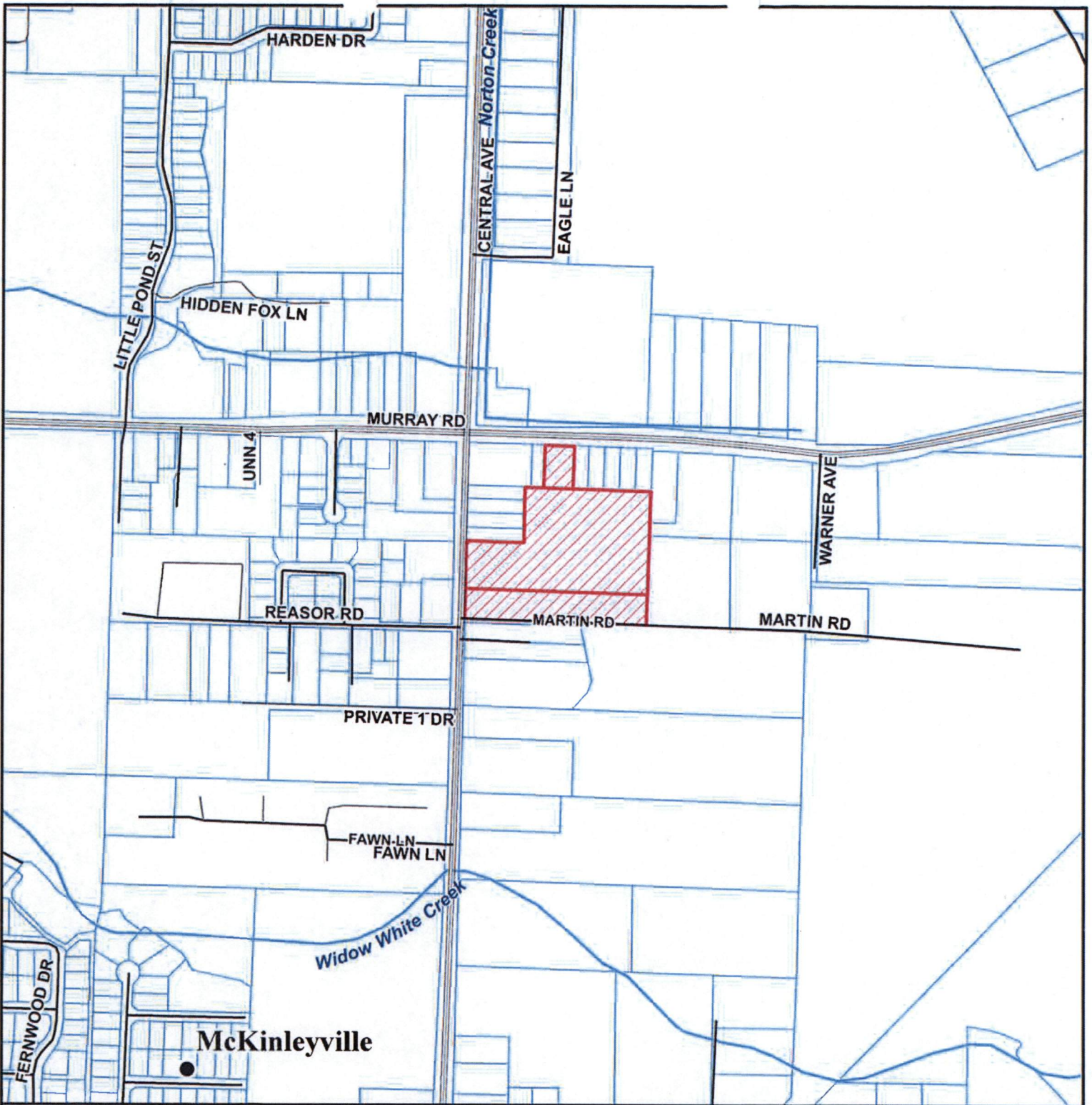
Douglas J. Boileau

MAR 24 2015

Attachment 3

Maps

- Location Map
- Assessor Parcel Map
- Zoning Map
- Land Use Designations – Existing and Proposed
- Zoning Classifications – Existing and Proposed



LOCATION MAP

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN: 510-081-001 et seq
 T07N R01E S32 HB&M (Arcata North)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





AERIAL MAP

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN: 510-081-001 et seq
 T07N R01E S32 HB&M (Arcata North)**

Project Area = 

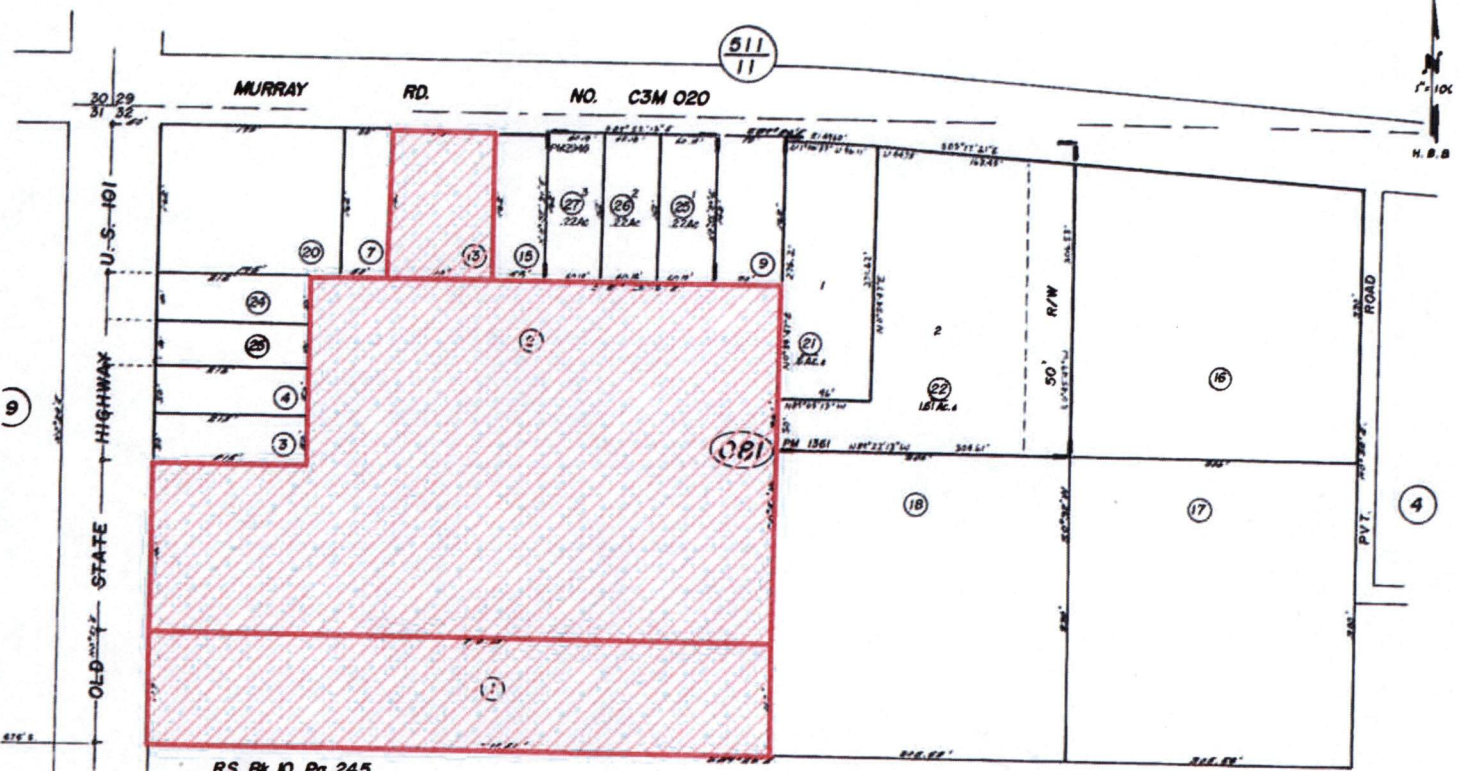
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250
 Feet

POR. NW 1/4, OF NW 1/4, SEC. 32, T. 7 N., R. 1 E.

Tax Area Code 510-08



R.S. Bk. 10, Pg. 24.5
 R.S. Bk. 10, Pg. 64
 R.S. Bk. 11, Pg. 14
 P.M. No. 1361 of P.M. Bk. 12, Pg. 24
 R.S. Bk. 52, Pg. 111

7 PM 2948 of PM Bk. 27, Pg. 18-19

Assessor's Maps Bk. 510-Pg. 08
 County of Humboldt, Calif.

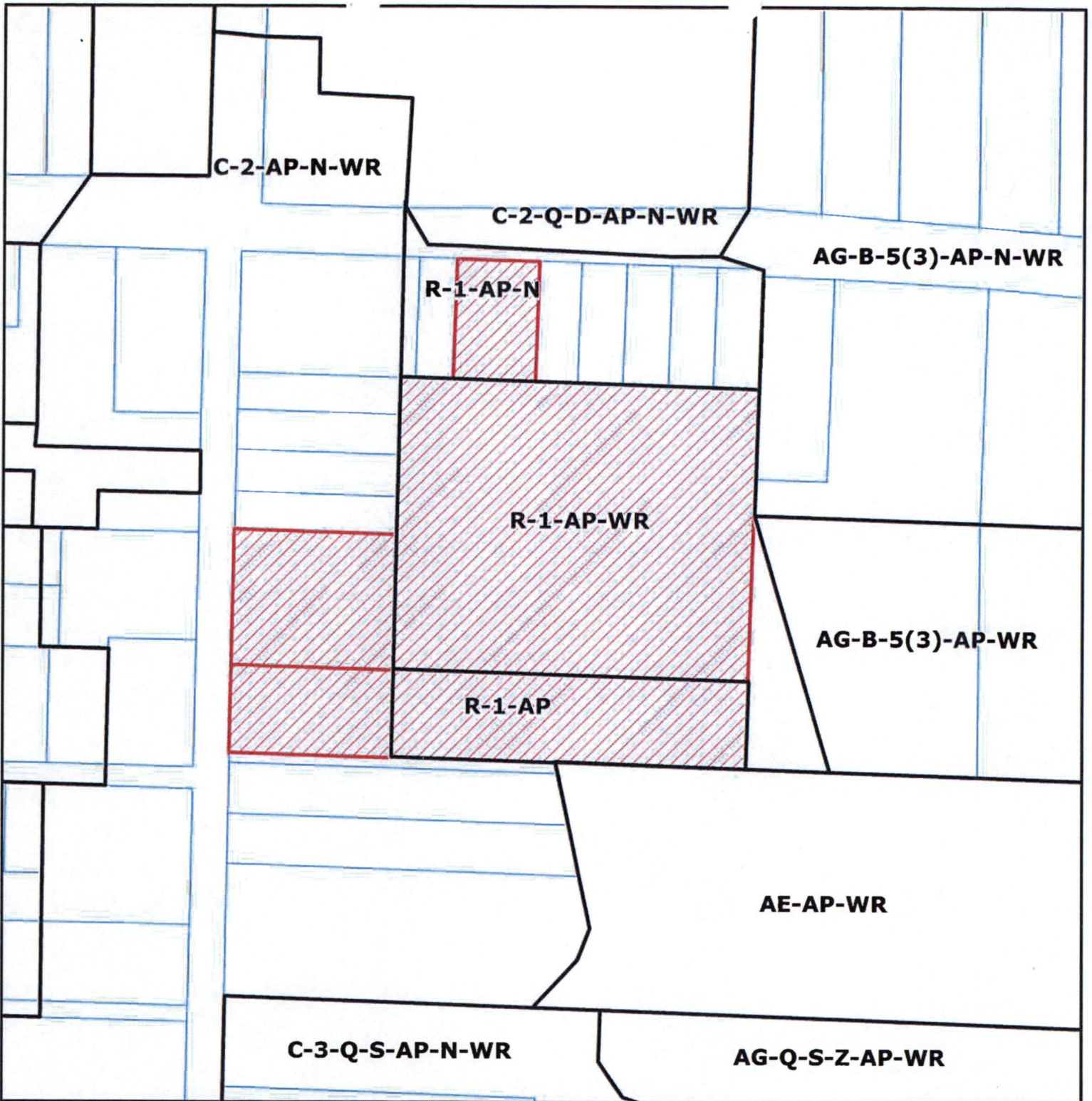
NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN: 510-081-001 et seq
 T07N R01E S32 HB&M (Arcata North)**

MAP NOT TO SCALE



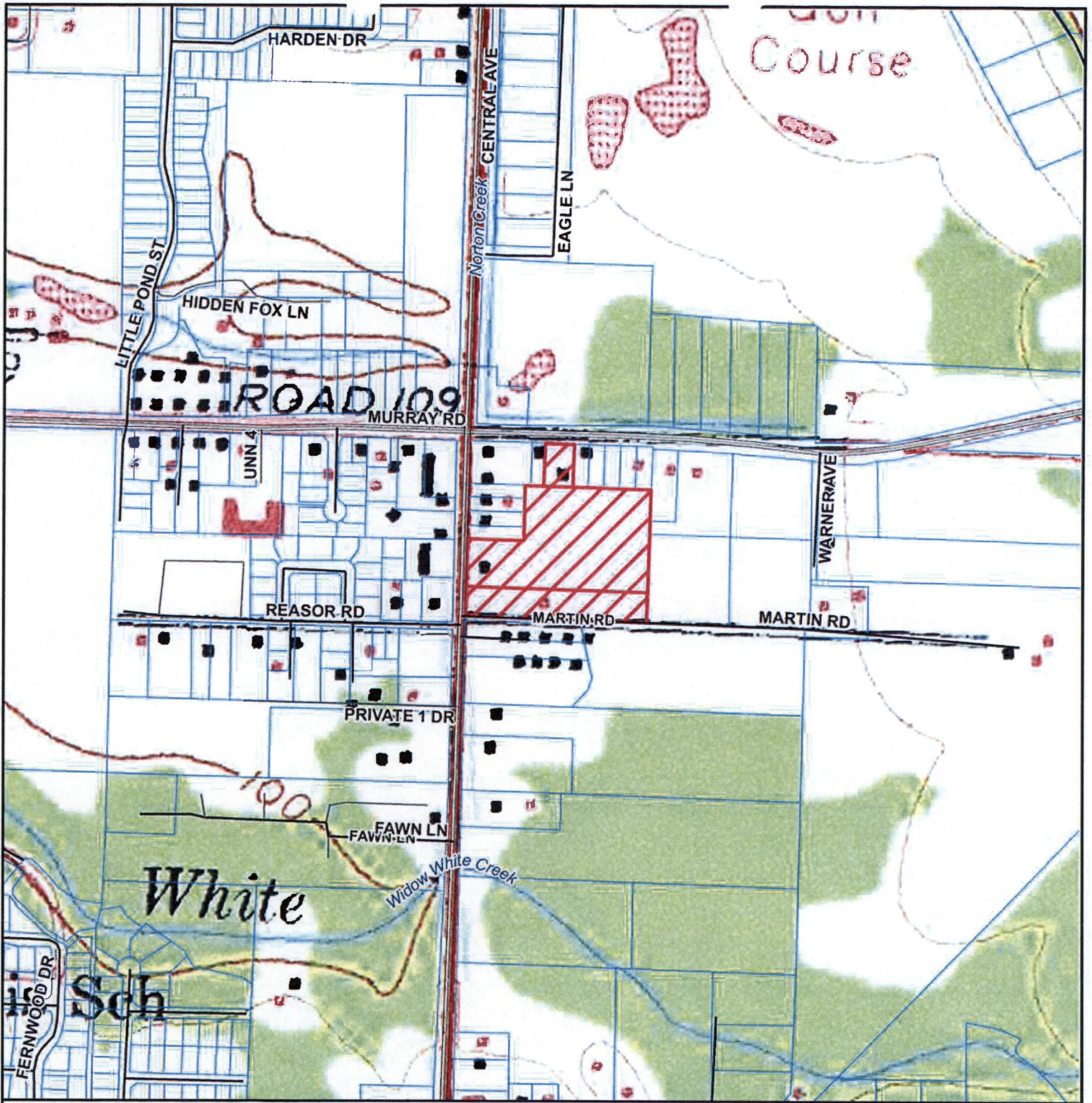
ZONING MAP

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN: 510-081-001 et seq
 T07N R01E S32 HB&M (Arcata North)**

Project Area = 

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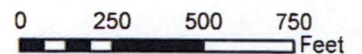


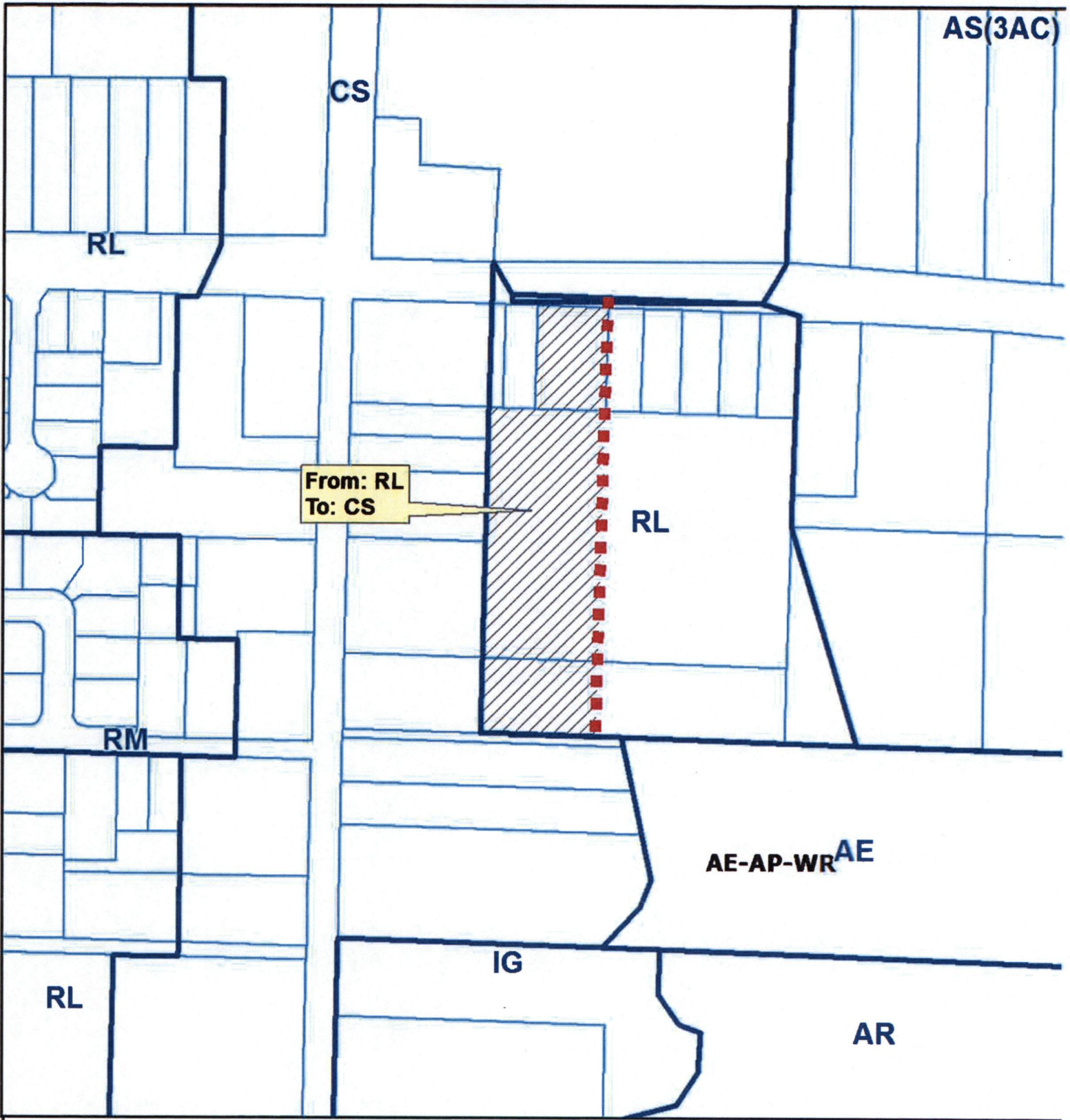
TOPO MAP

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION PETITION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN: 510-081-001 et seq
 T07N R01E S32 HB&M (Arcata North)**


Project Area = 

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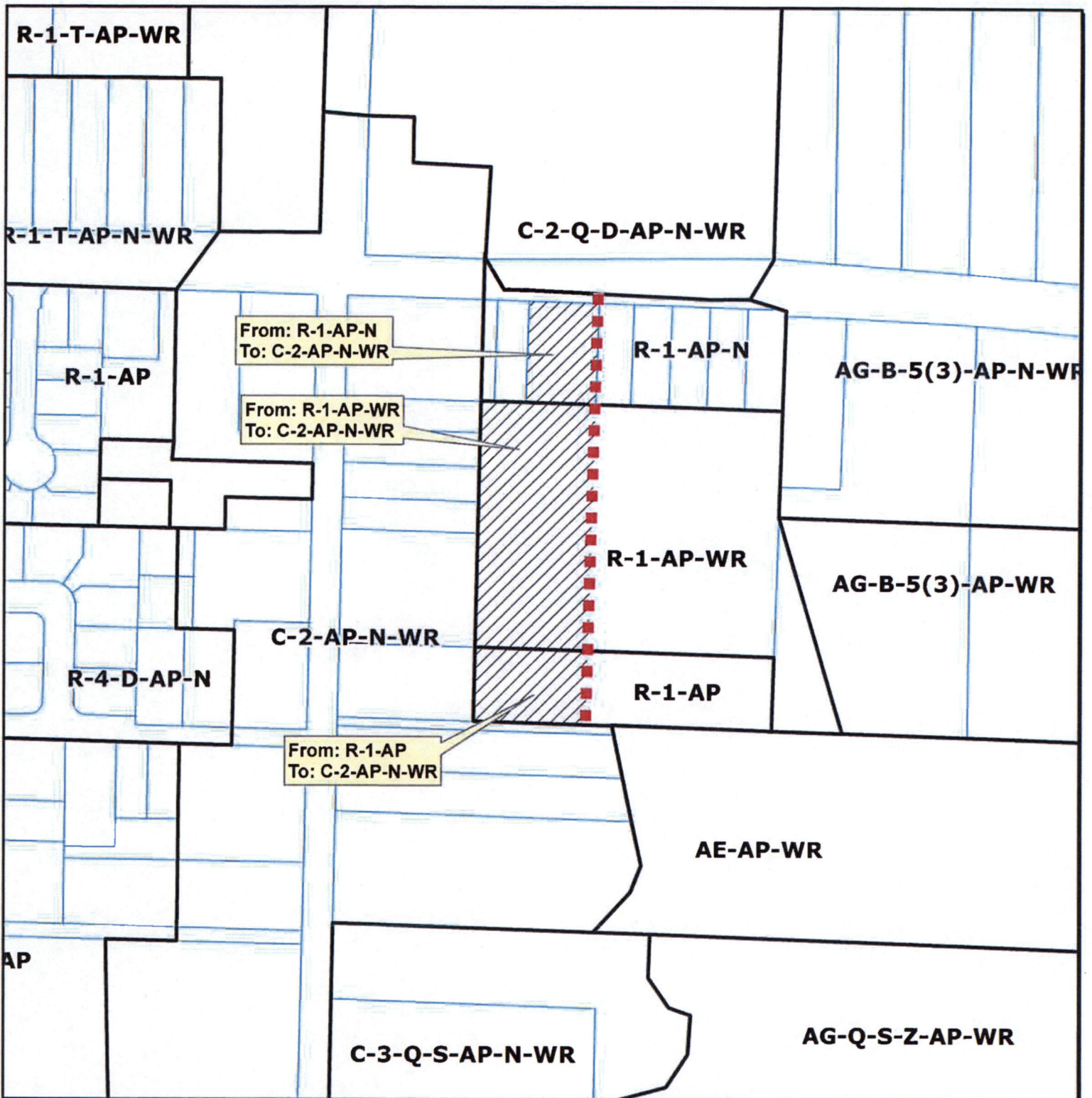
Proposed General Plan Boundary = - - - - -

Proposed Area to be Changed = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked.

PROPOSED GENERAL PLAN CHANGES
PROPOSED BLACK DOG PARTNERSHIP
GENERAL PLAN PETITION &
ZONE RECLASSIFICATION
MCKINLEYVILLE AREA
GPP-15-001/ZRP-15-001
APN:510-081-001 et seq
T07S R01E S32 HB&M (Arcata North)






PROPOSED ZONE CHANGES

**PROPOSED BLACK DOG PARTNERSHIP
 GENERAL PLAN PETITION &
 ZONE RECLASSIFICATION
 MCKINLEYVILLE AREA
 GPP-15-001/ZRP-15-001
 APN:510-081-001 et seq
 T07S R01E S32 HB&M (Arcata North)**

Proposed Zone Boundary = - - - - -

Area to be Rezoned = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Attachment 4

Board Order No. 17

PLANNING POLICY

RE:

PLAN AMENDMENT REVIEW CRITERIA

Adopted by Board Order No. 17
January 15, 1985

The following criteria are to be used in making distinctions between plan amendments. They are to be utilized in the Planning Department's and the Board's review of proposed plan amendments.

1. Preliminary evaluation of the request with the General Plan - Volume I, Section 1452.2.

[Note (by the Planning Department): Under the provisions of 1452.2 of Volume I of the General Plan, an amendment of the plan "shall be considered" if any of the four findings specified in the Section are made. If none of the four findings can be made, the decision to consider a proposed plan amendment is discretionary. Where such decision is discretionary, the determining issue may be whether the proposed plan amendment is in the public interest. In making such a determination, the criteria listed below will be major factors.]

2. Change from a Resource Designation to a Non-Resource Designation.
3. Extension of Services, Sewer and/or Water, Beyond Established Sphere of Influence or Urban Expansion Boundary.
4. Modification of an Existing Urban Limit Line or Urban Expansion Boundary.
5. Affects a Major Coastal-Related issue such as Public Access to the Coast, Coastal Environmentally Sensitive Habitats, or Coastal Views.
6. Minor adjustment of plan designation to be coterminous with parcel boundaries where coastal resource designations are not adversely affected.
7. Land Area affected.
8. Number of property owners.
9. Date of most recent plan revision for this area.
10. Approximate date of next scheduled revision for this area.